

## **REMARKS**

Claims 1-22 were submitted for examination. The present response amends claims 1 and 5 and leaves the remaining claims unchanged. Claim 1 has been amended to rectify a typographical omission whereas claim 5 is amended for the reasons discussed below. After the present claim amendment, claims 1-22 remain pending in the application.

### **I. Section 112 Rejection**

The dependent claims 5 and 6 (which is dependent on claim 5) were rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for providing sufficient antecedent basis for the limitation “said rows of bins” in the original claim 5. In the present response, claim 5 has been amended to provide the requisite antecedent basis for the limitation in question and, hence, the indefiniteness rejection under section 112 (second paragraph) is overcome as to claim 5 and its dependent claim 6. Therefore, favorable consideration and withdrawal of the 35 U.S.C. § 112 rejection of claims 5 and 6 is respectfully requested.

### **II. Section 102 Rejection**

Claims 1-4, 9-11, 14-15, and 20-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,604,019 to Ahlin et al. (hereafter “Ahlin”). Applicants traverse the rejection of claims 1-4, 9-11, 14-15, and 20-22 in light of the following remarks.

Ahlin is directed to a system for automatically dispensing medications or other medical elements. The system includes several groupings, i.e., vaults, of storage members, each vault containing approximately 100 individual cartridges, each of which contains packages of unit-of-use doses of a given medication or other medical supply. Each storage member includes an ejector which ejects selected medications/supplies to a supply trough. The packages in the trough are moved to a central collator, which dispenses them to a bin receptacle which has been moved underneath the collator and which is typically identified with a particular patient. Information concerning medications/supplies for a particular patient is stored in a system database and used to determine the particular medications/supplies dispensed into a given bin. Bar coding is used to

maintain control over the bins, and the medications, forming a closed information/control system.

The independent claim 1 recites a closed loop restocking system that comprises, in part, “a carousel located at a centralized location...and a restocking package for carrying items selected from said carousel.” Applicants assert that Ahlin fails to teach such a carousel-based restocking system. In the Office action, the Examiner has mistakenly analogized the collator assembly 78 in Ahlin with the carousel recited in the claim. Applicants respectfully disagree with the Examiner’s assertion that Ahlin teaches a carousel used in the creation of a restocking package. The constructional details of the collator assembly 78 (shown in Figures 7, 8, 14, and 15 in Ahlin), the circular or spinning rotation (in the horizontal plane) of the collator assembly 78, and its “collating” function are stressed at numerous places in Ahlin, some of which are: (i) column 10, line 50 to column 11, line 5; (ii) column 13, lines 37 through 40; (iii) column 14, lines 7 through 30; (iv) column 16, line 49 to column 17, line 15; (v) column 17, lines 30 through 49; and (vi) column 20, lines 5 through 32. Based on the description of the collator assembly 78 in Ahlin, Applicants assert that the collator assembly 78 referred to in the Office action is not a carousel as recited in claim 1. Thus, Ahlin fails to teach a restocking system using a carousel in combination with other elements as recited in the amended independent claim 1. Therefore, Ahlin fails to anticipate claim 1.

As claims 2-4 are dependent on the allowable claim 1, Ahlin also fails to anticipate claims 2-4. Therefore, reconsideration and allowance of claims 1-4 is respectfully requested.

Similar to claim 1, the original independent method claim 9 recites a carousel-based restocking method. More particularly, claim 9 recites, among other steps, “generating a restocking package by picking at least certain of the items from a carousel.” Therefore, in view of non-anticipation and allowability of the carousel-based restocking system of claim 1 over Ahlin, Applicants respectfully assert that the carousel-based restocking method of the independent claim 9 is also not anticipated by Ahlin. Further, claims 10-11, 14-15, and 20-22 depend from the allowable independent claim 9 and, hence, are also not anticipated by Ahlin.

Therefore, reconsideration and allowance of claims 9-11, 14-15, and 20-22 is respectfully requested.

In view of the arguments given hereinabove, Applicants request the Examiner to withdraw the § 102(e) rejections of pending claims 1-4, 9-11, 14-15, and 20-22.

### **III. Allowable Claims**

Applicants thank the Examiner for indicating allowability of dependent claims 7-8, 12-13, and 16-19 if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. In view of the non-anticipation of independent claims 1 and 9 by Ahlin, as discussed above, Applicants prefer not to amend the allowable dependent claims 7-8 (which depend from the independent claim 1) and claims 12-13 and 16-19 (which depend from the independent claim 9) as suggested by the Examiner at this time. Applicants, however, respectfully request the Examiner to allow the dependent claims 7-8, 12-13, and 16-19 as written in view of the allowability of their corresponding base claims 1 or 9, and any intervening claims as discussed under section II above.

Applicants wish to comment, however, that the Examiner's statement of reasons for the indication of allowable subject matter (item 7 in the Office action) merely copies claim limitations from various allowable claims. While the Applicants believe that the claims at issue are allowable, Applicants do not necessarily agree that the patentability resides in each feature, exactly as expressed in the claims, nor that each feature is essential for patentability.

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### CONCLUSION

In the present response, all rejections to the claims in the Office Action of September 30, 2004 are believed to have been addressed. Applicants therefore assert that all pending claims (i.e., claims 1-22) are in condition for allowance and a notice by the Office to this effect is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned Attorney earnestly requests a telephone conference at the Examiner's convenience.

Respectfully submitted,



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